

ORDERED.

Dated: January 12, 2021



Catherine Peek McEwen
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

Case No.: 8:21-bk-00024-CPM

Latrice Nicole Lashaunda Davis,
Debtor.

Chapter 7

ORDER STRIKING OFFICIAL FORM 101A

THIS CASE came before the Court without a hearing for consideration of the entry of an appropriate order. The record reflects that the Debtor filed Official Form 101A Initial Statement About an Eviction Judgment Against You (Doc. No. 3) ("Form 101A"). However, Form 101A only applies if the debtor has the right under state law to stay in his residence after the entry of an eviction judgment by paying the landlord the entire delinquent amount.

Under Florida law, unless a residential tenant deposits the accrued rent in the registry of the court within five days after the date of service of process of the eviction complaint, the landlord is entitled to an immediate default judgment with a writ of possession to issue

without further notice. *See* Fla. Stat. § 83.60(2). Florida law does not require a residential landlord to accept rent after the entry of judgment and issuance of a writ of possession.

Therefore, because Form 101A does not apply to residential tenants in Florida, the Court finds it appropriate to enter an order striking Debtor's Form 101A.

Accordingly, it is

ORDERED:

1. Debtor's Form 101A Initial Statement About an Eviction Judgment Against You (Doc. No. 3) is stricken.
2. If Debtor has given the Clerk of Court a payment for rent, the Clerk is directed to return it to Debtor.
3. This Order is without prejudice to Debtor's seeking any other available relief in state court.
4. The Court makes no determination as to whether the CDC Eviction Moratorium, which was recently extended through January 31, 2021, impacts this Debtor.

The Clerk's Office is directed to serve a copy of this order on the Debtor and any interested non-CM/ECF filers.